

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONNELL S. ALLEN, SR.,
Plaintiff

v.

MONTGOMERY COUNTY, et al.,
Defendants

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CIVIL ACTION

NO. 09-1458

ORDER

AND NOW, this 19th day of November 2009, upon consideration of Defendants' Motion to Dismiss the Amended Complaint (Docket No. 5), and Plaintiff's Response (Docket No. 7), it is hereby ORDERED that the Motion is GRANTED in part and DENIED in part for the reasons set forth in the accompanying Memorandum as follows:

1. Montgomery County Correctional Facility is DISMISSED from this case.
2. Warden Julio M. Algarin is DISMISSED from this case.
3. With regard to Count IV of the Amended Complaint, Plaintiff's punitive damages claim against the Montgomery County Correctional Facility Board of Prison Inspectors is DISMISSED.
4. In all other respects, Defendants' Motion to Dismiss is DENIED.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE